

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:23-CV-221-RJC-DCK**

**NESIA AMAR,**

**Plaintiff,**

**v.**

**BANK OF AMERICA, N.A.,**

**Defendant.**

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “Plaintiff’s Motion To Compel Defendant To Fully Respond To Discovery Requests” (Document No. 28); the “Motion For Extension Of Time For Defendant To Respond To Plaintiff’s Second Amended Complaint” (Document No. 29); and the “Motion For Extension Of Time For Defendant To Respond To Plaintiff’s Motion To Compel” (Document 30). These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motions and the record, the undersigned will grant the motions in part and deny the motions in part.

Plaintiff’s Second Amended Complaint” (Document No. 29) was filed on August 10, 2023. On that same day, Plaintiff then filed a “...Motion To Compel Defendant To Fully Respond To Discovery Requests” (Document No. 28).

The undersigned notes that while “parties may engage in consensual discovery at any time . . . Court-enforceable discovery does not commence until issues have joined and a Scheduling Order has been entered.” LCvR 16.1 (f). To date, there is no Scheduling Order in this case; moreover, as indicated by the pending motions, Defendant has not even responded to the “Second

Amended Complaint.” As such, the undersigned finds that “Plaintiff’s Motion To Compel...” is premature and should be denied without prejudice.

Plaintiff has consented to the “Motion For Extension Of Time For Defendant To Respond To Plaintiff’s Second Amended Complaint,” and the undersigned finds that the request is reasonable and should be granted.

The parties are respectfully encouraged to continue to pursue consensual discovery and/or an early settlement. If this action proceeds, and the parties have a dispute regarding discovery production, the Court will address that issue after entry of a Scheduling Order.

**IT IS, THEREFORE, ORDERED** that “Plaintiff’s Motion To Compel Defendant To Fully Respond To Discovery Requests” (Document No. 28) is **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the “Motion For Extension Of Time For Defendant To Respond To Plaintiff’s Second Amended Complaint” (Document No. 29) is **GRANTED**. Defendant shall file a response to Plaintiff’s “Second Amended Complaint” (Document No. 27) on or before **August 31, 2023**.

**IT IS FURTHER ORDERED** that the “Motion For Extension Of Time For Defendant To Respond To Plaintiff’s Motion To Compel” (Document No. 30) is **DENIED AS MOOT**.

**SO ORDERED.**

Signed: August 23, 2023

  
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David C. Keesler  
United States Magistrate Judge

